

the exception of the grape jelly, contained undeclared added acid. All products, and a shipment of apple jelly also covered by the case, were short weight.

On March 24, 1932, the United States attorney for the Middle District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information against the C. H. Musselman Co., a corporation, Biglerville, Pa., alleging shipments by said company in violation of the Food and Drugs Act as amended, on or about May 29, June 26, and August 21, 1930, from the State of Pennsylvania into the State of Florida of quantities of fruit pectin jellies which were misbranded and which, with the exception of the apple jelly, were also adulterated. The apple jelly was labeled in part: (Glass) "Musselman's Brand [design of apples], Pure Apple Jelly * * * net contents 6 ounces." The remaining products were labeled: (Glasses) "Musselman's Brand [Designs of strawberries, currants, raspberries, or grapes] Fruit Pectin Strawberry [or "Currant", "Raspberry", or "Grape"] Jelly Manufactured by the C. H. Musselman Co. Biglerville, Pa. Net Contents 6 Ounces [or "Net Contents 16 ounces"]."

Adulteration of the strawberry, currant, and raspberry jellies was alleged for the reason that mixtures composed of pectin, sugar, and water and which contained undeclared added acid and little or no fruit juices, had been substituted for fruit pectin strawberry, currant, and raspberry jellies which the articles purported to be. Adulteration of the grape jelly was alleged for the reason that a mixture composed of pectin, sugar, and water and which contained little or no grape juice had been substituted for the said article.

Misbranding of the said strawberry, currant, raspberry, and grape jellies was alleged for the reason that the statements "Fruit Pectin Strawberry [or "Currant", "Raspberry", or "Grape"] Jelly" and the designs of strawberries, currants, raspberries, and grapes, borne on the labels, were false and misleading, and for the further reason that the articles were labeled as aforesaid so as to deceive and mislead the purchaser, since the said statements and designs represented that the articles consisted wholly of fruit pectin jellies; whereas they consisted of mixtures composed of pectin, sugar, and water containing little or no fruit juices, and with the exception of the grape jelly also contained added acid. Misbranding was alleged with respect to the said jellies and also the apple jelly for the reason that the statements, "Net Contents 6 Ounces" and "Net Contents 16 Ounces", borne on the labels, were false and misleading, and for the further reason that the articles were labeled as aforesaid so as to deceive and mislead the purchaser, since the glasses contained less than so labeled. Misbranding was alleged for the further reason that the articles were foods in package form and the quantities of the contents were not plainly and conspicuously marked on the outside of the packages, since the statements made were incorrect.

On October 21, 1932, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$100.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20297. Adulteration and misbranding of cane sirup. U.S. v. Arthur O. Cunningham. Plea of guilty. Imposition of sentence suspended.
(F. & D. no. 28129. I.S. nos. 36631, 36632, 36633, 36634.)

This action involved the interstate shipment of a quantity of, alleged cane sirup which contained added, undeclared sugar sirup and glucose. The article was shipped in cans, some of which contained less than the declared volume. The charges in the information based on the alleged shortage in volume were, however, dismissed.

On August 2, 1932, the United States attorney for the Western District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information against Arthur O. Cunningham, Lafayette, La., alleging shipment by said defendant on or about July 16, 1931, from the State of Louisiana into the State of Mississippi, of a quantity of cane sirup, and charging adulteration and misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: (Can) "Open Kettle Pure Cane Syrup Packed by A. O. Cunningham, * * * Lafayette, La." Portions of the article were further labeled: "3 Qts. 8 Fld. Ozs." or "16 Fld. Ozs."

It was alleged in the information that the article was adulterated in that added and undeclared substances, glucose and sugar sirup, had been mixed and

packed therewith so as to reduce and lower and injuriously affect its quality and strength, and had been substituted in part for pure cane sirup, which the article purported to be.

Misbranding was alleged for the reason that the statement "Pure Cane Syrup", borne on the labels of the cans containing the article, was false and misleading, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser, since it was not composed solely of pure cane sirup, but was composed largely of added, undeclared glucose and sugar sirup. It was further alleged in the information that the article was misbranded in that the statement "16 Fld. Ozs.", borne on some of the cans, and the statement "3 Qts. 8 Fld. Ozs.", borne on some of the cans, were false and misleading, and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since some of the cans contained less than declared.

On October 27, 1932, the defendant entered a plea of guilty to the information. The court having announced that he would not consider the short-weight feature of the case, it was ordered that the charges in the information based on the alleged shortage in weight be dismissed, and after admonishing the defendant, suspended the imposition for a period of 5 years.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20298. Misbranding of canned kidney beans and canned pumpkin. U.S. v. 15 Cases of Canned Kidney Beans, et al. Products released under bond to be relabeled. (F. & D. nos. 28455, 28456. Sample nos. 2404-A, 2405-A.)

This action involved the interstate shipment of a quantity of canned kidney beans and a quantity of canned pumpkin, samples of which were found to be short of the declared weight.

On July 11, 1932, the United States attorney for the Northern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid, a libel praying seizure and condemnation of 15 cases of canned kidney beans and 46 cases of canned pumpkin, remaining in the original packages at Amarillo, Tex., alleging that the articles had been shipped on or about February 20, 1932, by the Otoe Food Products Co., from Nebraska City, Nebr., to Amarillo, Tex., and charging misbranding in violation of the Food and Drugs Act as amended. The articles were labeled in part: (Can) "Blue and White Brand Red Kidney Beans, Contents 1 Pound"; (can) "Red and White Brand Golden Pumpkin, Net Weight 1 Pound."

It was alleged in the libel that the articles were misbranded in that the statements, "Contents 1 Pound" and "Net Weight 1 Pound", appearing on the labels, were false and misleading and deceived and misled the purchaser, since the cans contained less than 1 pound. Misbranding was alleged for the further reason that the articles were food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages, since the statements were incorrect.

The Brown Bros. Brokerage Co., Denver, Colo., claimant, filed an answer admitting the allegations of the libel and praying release of the products under bond. On September 3, 1932, bond in the sum of \$500 having been filed conditioned that claimant pay costs and that the goods would not be exposed for sale until properly relabeled, judgment was entered approving the bond and ordering the products released to the claimant.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20299. Misbranding of pepper. U.S. v. 150 Cartons, et al., of Black Pepper. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 28600. Sample nos. 14380, 14381.)

This action involved the interstate shipment of quantities of black pepper, sample packages of which were found to contain less than the declared weight.

On August 6, 1932, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 150 cartons and 22 cartons of black pepper, remaining in the original unbroken packages at Baltimore, Md., alleging that the article had been shipped in interstate commerce on or about April 23, 1932, by the Hudson Tea & Spice Co., from New York, N.Y., to Baltimore, Md., and charging mis-